

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

RUCHELL CINQUE MAGEE,  
Petitioner,  
  
v.  
  
J. SOTO,  
Respondent.

Case No. [15-cv-4129-TEH](#)

ORDER OF TRANSFER

This is a habeas case filed pro se by a state prisoner. He seeks review of a denial of parole by the Board of Parole Hearings. He was convicted in the Superior Court of Santa Clara County, which is in this district. However, his parole denial occurred at a hearing at California State Prison Los Angeles County, where he is still housed, which is in the Central District of California.

Venue is proper in a habeas action in either the district of confinement or the district of conviction, 28 U.S.C. § 2241(d); however, the district of confinement is the preferable forum to review the execution of a sentence. Habeas L.R. 2254-3(a); Dunne v. Henman, 875 F.2d 244, 249 (9th Cir. 1989). Because Petitioner's challenge goes to the execution of his sentence, this petition is TRANSFERRED to the United States District Court

1 for the Central District of California. See 28 U.S.C. § 1404(a);  
2 Habeas L.R. 2254-3(b).<sup>1</sup>

3 IT IS SO ORDERED.

4 Dated: 12/02/2015



THELTON E. HENDERSON  
United States District Judge

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24 <sup>1</sup> The Court notes that Petitioner previously filed a similar  
25 petition that was transferred to the Central District. See Magee  
26 v. Soto, No. 15-3289-TEH. In the instant case he argues that  
27 judges in the Central District have accepted bribes and  
28 fabricated facts, therefore the case should not be transferred.  
He has failed to present credible evidence to support these  
allegations. While this case may be duplicative, it will be  
transferred to the Central District to review the filing.